

A Look at Women's Representation in Indonesia After the 2019 Election

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Abstract

Women's representation in parliament certainly has an important role. As users of regulations, women also have the same political rights as men. Women's representation has a critical role in increasing community welfare because women, such as problems regarding reproductive health and violence, better understand various issues. However, women's representation in Indonesia, unfortunately, has not reached 30% of the total parliamentarians. Affirmative action in Indonesian politics has been carried out since the 2009 election. Unfortunately, until the 2019 election, women's representation in parliament only reached 21%. The aims of this research is to investigate the post-reform elections and women's representation in parliament after the 2019 elections developed. This research uses normative juridical research that will analyze regulations regarding elections, accompanied by secondary data. The initial result of this study is that the lack of women's representation in Indonesia is caused by various factors, such as political parties' understanding of women's representation as an administrative requirement only and patriarchal culture that is too deeply rooted in Indonesian society that contributes to hindering women's representation in parliament.

Keywords: Affirmative action; Women's representation; Elections; Affirmative action

1. Introduction

Indonesia is a democratic country that should implement democracy in it. A democratic country will certainly implement equality before the law or the principle of equality before the law. Equality before the law must certainly receive more attention because one of the most important elements of democracy is equality before the law, regardless of whether he is male or female [1]. However, the law always talks about *das sollen* and *das sein*. Indonesia has yet to achieve equality between men and women, especially in the political arena. Indonesia has been independent for 77 years but has yet to achieve equality between men and women. One of them is regarding equality in politics. Women, as users of the law, have yet to receive full representation in the legislative institution.

The state, in its regulations, has stipulated a minimum quota for women's representation in parliament of 30%. This quota for women's representation is not only found in members of the DPR but is also required in election-organizing institutions such as the KPU and Bawaslu. The requirement for a quota for women's representation of 30% is not without reason. The figure of 30% is the minimum figure set by the UN in order to realize equality in law-making institutions [2].

The UN's directive to provide 30% female representation in the legislative body ultimately became the background for the formulation of Law No. 10 of 2008 concerning the general election of members of the DPR, DPD, and DPRD, which requires 30%

women in the management of political parties to regulate the placement of female candidate numbers on ballot papers. Unfortunately, this policy encountered conflict with the judicial review. After the Constitutional Court's decision No. 22-24 / PUU-VI / 2008 to support female representation, the government implemented affirmative action for political parties in the form of a requirement for 30% female administrators so that political parties could compete actively in the election. Affirmative action for political parties carried out by the government has yet to be able to increase the number of female representatives to 30%. The 2019 election, as the last election held, has yet to reach 30%. Women's representation after the 2019 election unfortunately only reached 21%, far from the 30% required by law [3]. It is certainly unfortunate, especially since women are more sensitive to social and moral issues [1]. Given the importance of women's representation in parliament, it is certainly interesting to discuss. Based on the background, this study aims to investigate the post-reform elections and women's representation in parliament after the 2019 elections developed.

2. Research Methods

This research is normative legal research. Normative legal research is research that places law as a norm [4]. The approach in this research is a statute approach of an analysis of laws and regulations related to the topic being researched [5]. Researchers will examine laws and regulations or other regulations that regulate elections. The legal materials taken are primary legal materials, secondary legal materials, and tertiary legal materials. The data collection technique used by the author was a literature study of data collection by reading, analyzing, and reviewing legal materials. The data analysis owned by legal research is different from data analysis in general. Data analysis in legal research used a qualitative description method to describe women's representation in Indonesia by reviewing the data obtained in detail.

3. Results and Discussion

3.1. Elections in Indonesia Post-Reformation

Indonesia carries out periodic changes in leadership by holding regular elections every five years. Elections are a people's party where the people will cast their votes to elect their representatives in the people's representative institutions. Elections also function to maintain relations between the people and their leaders [6]. In general, elections in Indonesia have been regulated in Article 22E of the 1945 Constitution, which was ultimately manifested in the Election Law. Indonesian people only experienced real elections after the fall of the New Order. The 1998 Reformation caused Indonesia to experience a new chapter in its statehood. Some changes occurred in Indonesia after the reformation, one of which was regarding general elections. It is undeniable that Indonesia has adopted a democratic system in its statehood. However, some deviations occurred during the New Order, where the people's voices were silenced even though, in a democratic state, people's sovereignty is an important element. The elections held during the New Order seemed like mere formalities because the results obtained were certain.

Indonesia only experienced a real election after the reformation, precisely in 1999. Participants in the 1999 election increased to 48 political parties, with the winning party being the PDIP party [7]. The PDIP party, as the winner, could not directly nominate the president. The MPR RI, as the institution authorized to determine the president, finally chose Abdurahman Wahid (Gus Dur) as the third president of the Republic of Indonesia. The election of Gus Dur as president was not without reason. Two strong candidates were projected to become president of the Republic of Indonesia, namely Megawati Soekarnoputri (PDIP) and B.J Habibie (Golkar). The election of Gus Dur as president was a middle ground that could be chosen because, at that time, both Megawati and Habibie had their cons [7].

After the 1999 election, various significant changes occurred in the process of statehood in Indonesia. The amendments to the Constitution carried out by members of the legislature at that time, although still far from perfect, succeeded in bringing about new changes in the form of direct presidential elections and the existence of the DPD as a regional representation.

Indonesia's political map finally shifted again after the 2009 election. The 2009 election was the first time Indonesia implemented affirmative action, with the requirement for women to be in political parties by 30%. The results obtained were that women's representation in parliament was only 18% of the total members [8]. The figure obtained was far from the target of 30%, but it was a good start for women's representation in Indonesia. The 2009 election attracted public enthusiasm when viewed from the large number of political parties participating in the election.

The 2014 election was participated by 15 political parties; this number dropped significantly compared to the 2009 election, which was participated by 44 political parties due to the high Parliamentary Threshold figure of 3.5% and the requirement for political parties to have 75% of the management in each province [9]. The decline in the number of political parties in the 2014 election was followed by the fall of the Democratic Party's votes as the winning party in the 2009 election [7]. The decline in the Democratic Party's votes ultimately resulted in the PDIP party emerging as the winner of the election, with Joko Widodo elected as president. The victory of the PDIP party and Joko Widodo continued in the 2019 election.

The 2019 election is known as a simultaneous election, in which the election of legislative members is held simultaneously with the presidential election. The number of political parties participating in the 2019 election has increased compared to the 2014 election because, in the 2019 election, the KPU only visited the offices of political party administrators at the district/city level, and it was not mandatory as much as 75%. This policy ultimately succeeded in increasing the number of political parties participating in the 2019 election to 16 parties compared to the 2014 election, in which 15 parties attended. The results of the 2019 election were the same as the 2014 election, in which Joko Widodo was re-elected as president. Indonesia experienced a new record after the 2019 Election. For the first time, the House of Representatives (DPR) was led by a woman, namely Puan Maharani. However, even though a woman leads this law-making institution, the representation of women has yet to reach 30%. Of course, this is interesting to study.

After the 2019 election, women's representation has only reached 21% of all members of parliament [3]. This figure has increased compared to the results of the 2014 election, but it is still far from 30%. The DPR, as a people's representative institution, certainly has an important role in making regulations. One example of the importance of women's representation in parliament is the ratification of the Sexual Violence Crime Law, which took 10 years to be ratified. As users of the law, of course, it is necessary to know that there are different needs of women than men, which unfortunately have not been accommodated. Public participation and people's representation are certainly important indicators of a country that adheres to democracy. Democracy is an understanding that the people hold the most important power; even the highest power is in the hands of the people or can also be called people's sovereignty [10]. In the modern era, like today, democracy implemented by many countries is indirect democracy in the form of people's representatives in an institution [11]. As a country that prioritizes people's sovereignty, it is important to see the extent of people's representation in parliament. In addition to periodic changes in leadership, a balanced proportion between men and women in parliament is an indicator of a country's democracy [2].

3.2. Women's Representation in Indonesia

Indonesia has ratified various conventions to increase women's political rights, but unfortunately, women's representation is still lacking. In its regulations, the government has formulated women's representation in the form of a minimum number of women's management in political parties of 30% in order to participate in the election. The policy of 30% women's representation was first initiated in the 2008 election in Law No. 10 of 2008 concerning the Election of the DPR, DPD, and DPRD.

Women's representation in parliament certainly has an important role because, in a democratic country, community participation is very important to ensure that the government accommodates the needs of the community [12]. Women are often placed as second-class citizens due to the deep-rooted patriarchal culture. This condition certainly should be eliminated because, in a state of law, the state views all its people as equal and does not differentiate between men and women. A country that has equal representation of women and men can be considered a democratic country [13].

Many women then initiated women's representation in parliament. In increasing women's representation, there is an action called affirmative action. Affirmative action aims to eliminate discrimination against a group [14], [15]. As users of the law, women have the right to be involved in politics. Moreover, if we look further, the regulations in Indonesia still tend to side with masculinity and do not accommodate women's needs due to differences between the needs of men and women. Women who are victims are not protected but are increasingly marginalized. An example of affirmative action in politics is the requirement for women's representation of 30% to alternating numbering (zipper system). This provision is certainly not determined arbitrarily but rather through various considerations. Women's representation in Indonesia has been regulated in Law No. 39 of 1999 concerning Human Rights, which explains that women's representation provides equal opportunities and positions to be able to play a role in state institutions. In line with this, the Indonesian government has regulated that women can sit in

parliament for the first time in the 2004 elections. The presence of women in the legislative institution certainly has an important role as a law-making institution. The legislative institution, as a representative institution of the people, must, of course, be able to represent all levels of its people, including women [12].

Women's representation in the legislative institution certainly has a positive impact on society. A small example is breastfeeding facilities in Yogyakarta and the Sexual Crimes Law. Ironically, the Sexual Crimes Law (in Indonesia usually called as UU TPKS), which is in substance concerning the protection of victims of sexual violence, took a long time to be passed. The long process of ratifying the TPKS Law is unfortunate, especially since the TPKS Bill has long been included in the national legislative program. The number of women represented in Indonesia certainly experiences ups and downs. However, women's representation in Indonesia has yet to reach 30%. Even though the DPR chairperson in the 2019 election was mostly women, women's representation in Indonesia has yet to reach 30%. This situation is certainly unfortunate, especially when affirmative action has been taken by the government since the 2009 Election to avoid the issue. The women's representation in the Indonesian parliament from 2009 to 2019 can be seen in Table 1.

Table 1. Number of Women's Representation in Parliament from Year to Year

Period	Female		Male	
	Total	Percentage (%)	Total	Percentage (%)
2009-2014	101	17.9	459	82.1
2014-2019	97	17.3	463	82.7
2019-2024	118	20.5	457	79.5

Table 1 illustrates that since the 2009 election, when affirmative action was first introduced in the Indonesian election system, the number of women's representation has yet to reach 30%. In fact, in the 2014 election, the number of women represented decreased, although not significantly. The lack of representation of women is certainly interesting to investigate because the number of female residents in Indonesia is almost equal to the number of male residents [16].

The lack of women's representation in Indonesia is caused by various factors, one of which is the patriarchal culture that is rooted in Indonesia. Women are often considered second-class citizens. The patriarchal culture that is rooted in Indonesia and the lack of role of political parties in increasing women's representation are the reasons why women's representation in Indonesia is still far from 30%. Political parties often consider this 30% quota only as an administrative requirement to participate in elections, not as an obligation [17]. The impact of the lack of seriousness of political parties includes the understanding of women's representation as an administrative requirement, which often results in political parties choosing their cadres and not being serious about choosing female cadres.

The lack of seriousness of political parties in responding to the issue of women's representation is certainly unfortunate, especially since women's desire to participate in the political arena is increasing [18]. Unfortunately, the high desire of women to be involved in politics often encounters very steep obstacles. Women are often faced with the glass ceiling phenomenon, namely the phenomenon of women's obstacles in

pursuing a career due to the very strong dominance of men [19]. Political parties actually do not need to worry about recruiting female candidate members because women have started to organize and even voice their opinions actively in public.

Someone who is used to organizing has more value and can increase the electability of political parties. People who are used to organizing will certainly be more systematic, critical, and more reliable than people who are not involved in organizations. Public speaking skills are not the only advantage possessed by someone who is involved in an organization. By organizing, a person has indirectly socialized and has their own 'voice base.' Political parties should take advantage of this to recruit their prospective cadres. Recruitment of prospective political party members by visiting individuals can increase women's representation. The Nasdem party is a political party with the largest representation of women in the DPR, although it was not the winner of the election [20]. The success of the Nasdem party in achieving the largest number of women's representation in parliament can certainly be emulated. Political parties can hold open recruitment that anyone can access to support increasing women's representation.

Social media such as Facebook, Instagram, and TikTok can be utilized by political parties to recruit cadres. Social media can also be utilized more for campaigning and providing political education, especially for new voters. New voters who are Indonesian citizens aged 17 years are active users of social media to attract millennials to the political arena.

Recruiting prospective members from celebrities or families is a shortcut taken by political parties to meet administrative requirements only [18]. Political parties need to be more responsible in training their members. Several factors must be considered when increasing the number of female representatives, such as political education and political party cadreship. The role of political parties is very important, especially since the party that deals directly with voters is a political party.

Public interest in female legislative members has increased after the 2019 Election [17]. The number of female parliamentarians after the 2019 Election was 21%, up 3% from the previous election. The increase in female representation can be used as an indicator that women are actually capable of being involved in politics. Various parties should support women's political awareness, both political parties and other institutions related to politics.

Women, as users of the law, certainly have the same political rights as men, especially since women's needs are certainly different from men's needs. Many special needs of women are not understood by men, such as issues regarding family welfare, reproductive health, and even issues of violence. The presence of female representation in parliament is able to accommodate better the needs of children and women who are often neglected [8]. The small number of female representatives in parliament certainly cannot influence decision-making. In the upcoming 2024 election, female representation will reach 30% of the total number of parliament members.

4. Conclusions

It has been 18 years since the government has taken affirmative action in elections to increase women's representation, but the results still need to be 30%. The 2019 election,

the last election, was only able to present 21% women's representation. This result is certainly unfortunate because Indonesia has adopted affirmative politics since the 2009 Election. The lack of women's representation is due to several factors, such as the lack of attention from political parties to women's representation and the patriarchal culture that is too deep-rooted in society, making it more difficult for women to take steps in politics. Basically, women have the same rights in politics, and the increasing public interest in female candidates should be utilized properly to increase women's representation. Political parties should be more aware of increasing women's representation by not only viewing women's representation as an administrative requirement but as the main gateway to realizing women's representation.

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Legislation

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